

April 25, 2006

Barbara Youngberg, Chief  
Bureau of Hazardous Waste and Radiation Management, Radiation Section  
Division of Solid and Hazardous Materials  
New York State Department of Environmental Conservation

Dear Ms. Youngberg:

We have reviewed Section 175.30 of the existing New York State Penal Code provided in your letter, received by our office on March 17, 2006. In the letter you indicated that the enforcement authority provided in Section 175.30 of the New York State Penal Code meets the essential objectives of the Deliberate Misconduct Rule (RADS ID 1998-1). The enforcement authority provided in Section 175.30 was reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 40, 50, 52, 60, 61, 70, 71, 72, and 150, and the requirement of the amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulation with you on March 21, 2006.

As a result of our review, we have one comment that has been identified in the enclosure. Please











